

**THE IOWA DISTRICT COURT SEVENTH JUDICIAL DISTRICT
ADMINISTRATIVE OFFICE, SCOTT COUNTY COURTHOUSE
400 WEST FOURTH STREET
DAVENPORT, IA 52801-1104
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Honorable Marlita A. Greve
Chief Judge
Marlita.Greve@iowacourts.gov

Kathy M. Gaylord
District Court Administrator
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POST CONVICTION RELIEF (PCR) PROCEDURE

The following policies and procedures were adopted by the Seventh Judicial District in early 2015 to provide clarity and consistency in the processing of applications for post-conviction relief and to reduce the time to disposition, ensuring applicants receive timely access to justice.

UPON RECEIPT OF APPLICATION

- The Clerk of Court will docket the petition and any accompanying financial affidavit and application for court appointed counsel. The Clerk of Court will then notify Court Administration that a new post-conviction relief case has been opened.
- Court Administration will review the application and file an order:
 - Confirming the receipt and filing of the application without prepayment of costs;
 - Appointing counsel;
 - Instructing the Clerk of Court to provide a copy of the application and attachments thereto to appointed counsel and the County Attorney's Office;
 - Instructing appointed counsel to file a recasted petition (or statement that no recasted petition will be filed) within ninety (90) days;
 - Instructing the State to file an answer and the court record within thirty (30) days of the filing of a recasted petition or statement; and
 - Assigning a district court judge to the case.

TRIAL SETTING CONFERENCE

Pursuant to Iowa R. Civ. P. 1.906, a notice of trial setting conference will be sent to all counsel of record. The trial setting conference will be held between 35 and 50 days after the State has filed its answer.

At the trial setting conference, a trial date will be set in addition to a final pretrial conference approximately ten (10) days prior to the trial date. Deadlines for transcripts, records, pleadings, discovery, exhibits, and motions will also be set in the order.

FINAL PRETRIAL CONFERENCE

The final pretrial conference will be held with the assigned judge at 8:30 a.m. approximately ten (10) days prior to the trial date. The Applicant may appear telephonically. Counsel may appear in person or telephonically, with the conference call to be initiated by counsel for the Applicant.

TRIAL

The trial will be held in a courtroom in the applicable county courthouse. The Applicant will appear telephonically unless prior approval of extenuating circumstances is granted by the assigned judge.

DISMISSAL

If necessary, a Notice of Pending Dismissal will be sent to the Applicant and counsel of record in accordance with Iowa R. Civ. P. 1.944(2) if no action has been taken on the case for one (1) year.

COUNTIES

Cedar

Clinton

Jackson

Muscatine

Scott